

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MARTRELL DESHON POLIN,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-14-514-M
)	
TIM WILKINSON,)	
)	
Respondent.)	

ORDER

On January 8, 2015, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended that respondent's motion to dismiss be granted and that the petition for writ of habeas corpus be dismissed as untimely pursuant to 28 U.S.C. § 2244(d). Petitioner was advised of his right to object to the Report and Recommendation by January 26, 2015. On January 26, 2015, petitioner filed his objections. In his objections, petitioner asserts that the statute of limitations should be equitably tolled because he is innocent. However, in his objections, petitioner has set forth nothing more than repetitive and conclusory statements of his innocence, which are insufficient to make a colorable showing of factual innocence. *See Hollie v. Booher*, 3 F. App'x 877, 878 (10th Cir. 2001) (petitioner must identify evidence affirmatively demonstrating his innocence for equitable tolling).

Accordingly, upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation [docket no. 11] issued by the Magistrate Judge on January 8, 2015;
- (2) GRANTS respondent's motion to dismiss [docket no. 7], and

- (3) DISMISSES the petition for writ of habeas corpus as untimely pursuant to 28 U.S.C. § 2244(d).

IT IS SO ORDERED this 29th day of January, 2015.


VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE